

HOMES POLICY DEVELOPMENT GROUP 20 JULY 2021

HOUSING SERVICE DELIVERY REPORT

Cabinet Member(s): Councillor Bob Evans
Responsible Officer: Mrs Claire Fry, Operations Manager for Housing Services

Reason for Report and Recommendation: To provide an update to Members on enforcement and other activity undertaken by Officers in the Housing Service

Recommendation: Members are asked to note the report

Financial Implications: The activity of the Housing Service spans both General Fund and the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls. There are specific budgets set aside within the General Fund to enable the Council to meet statutory obligations associated with homelessness. Central Government makes some funding which is ring-fenced available to support this work. Furthermore, the Housing Service is currently in receipt of funding which was awarded as part of the Rough Sleeping Initiative which is used in connection with a number of projects which align with our own rough sleeping strategy.

Budget and Policy Framework: Policies agreed by the Homes Policy Development Group govern the work of the Housing Service. There are budgets set aside within the General Fund to finance work relating to homelessness and strategic rehousing. Additional funding to support work with rough sleepers has also been obtained in partnership with East Devon District Council for use this year. The HRA is funded in large part by rental income and therefore maintaining the revenue stream must be a key priority for the Housing Service.

Legal Implications: Tenancy management is funded through the HRA. The tenancy agreement defines the Council's relationship with tenants and sets out the rights and responsibilities of both parties. This takes account of legal and regulatory requirements. The Housing Act 1985, the Localism Act 2011 and the Anti-social Behaviour, Crime and Policing Act 2014 contain many provisions which must be taken into account by the Housing Service.

Service delivery funded by the General Fund encompasses the prevention and management of homelessness; and the administration of the housing register. There are many statutory obligations associated with these activities arising from provisions of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017.

Risk Assessment: The landlord service has approximately 3,000 homes in management which represents a huge investment. Failure to provide an effective tenancy management service has the potential to result in failure to meet legal and statutory obligations including those relating to health and safety issues, tenancy fraud, and potential negative publicity in the event of, for example, a serious fire or anti-social behaviour leading to residents on an estate feeling stigmatised. Failure to collect rental income could impact the ability to fund necessary management and maintenance activities.

Failure to meet statutory obligations relating to homelessness could result in judicial review which could prove costly. Such an outcome also has the potential to impact the reputation of the Council in a negative way.

Equality Impact Assessment: There is a suite of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. There is a regulatory requirement for registered providers of social housing to tailor their service to meet the needs of the tenants and the Housing Service requests diversity data from tenants to enable compliance to be monitored.

The Council has a number of statutory obligations arising from the Homelessness Reduction Act 2017 and therefore all those presenting as homeless to the Council must be assessed regardless of the section of society from which they come to see whether or not the duties apply. Failure to treat homelessness clients who are eligible fairly could result in judicial review.

Relationship to Corporate Plan: Homes and the environment are a priority for the Council and this includes increasing the supply of affordable homes in the District and also supporting and growing active tenant engagement

Impact on Climate Change: We recognise that the provision of sustainable communities is important. As part of our commitment to meeting the provisions of the Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, the Council offers a menu of involvement which provides opportunities for tenants to get involved in service delivery. We use social media to promote sustainability and publish information relating to a variety of topics including fuel efficiency, recycling and healthy living.

With regard to the homes in our management, our repairs and improvements strategies are informed by the need to reduce carbon emissions; and the need to reduce fuel poverty is also a key consideration.

Officers sometimes have to respond to emergencies such as those associated with the prevention and management of homelessness and also those arising from serious incidents of anti-social behaviour. In such cases, safeguarding concerns will take priority in order to minimise risk and it is accepted that the ability to manage such issues effectively may have an environmental impact which would not occur if work can be planned in advance and managed in a more co-ordinated way.

1.0 Background

1.1 The Housing Service has certain responsibilities associated with tenancy management and safeguarding. The discharge of these duties can be resource-intensive and involve significant enforcement activity. The aim of this report is to show the range of action taken over the fourth quarter of 2020/21 which covered the period from 1 January 2021 until 31 March 2021.

1.2 Appendix 1 shows a summary of enforcement and other related activity and Appendix 2 shows a summary of safeguarding activity undertaken in connection with the wellbeing of tenants, members of their households or

anyone else, regardless of whether they live on our estates, where a concern has been identified.

2.0 **Enforcement Activity**

- 2.1 The Regulator for Social Housing operates the regulatory framework which contains a number of standards which set out the required outcomes and specific expectations associated with the performance of registered social landlords (RPs).
- 2.2 The Neighbourhood and Community Standard contains provisions relating to the management of anti-social behaviour and in line with these, RPs are expected to work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.
- 2.3 Neighbourhood Officers in the HRA Estates team are responsible for managing nuisance and anti-social behaviour. In recent months, the team has been operating with some gaps in terms of staffing which meant that work has had to be prioritised. Officers have had to focus on the management of serious anti-social behaviour, safeguarding issues and health and safety.
- 2.4 The management of serious anti-social behaviour can be time-consuming given the need to gather evidence, work with witnesses and liaise with other partner agencies. Officers may also need to provide reassurance to members of the local community.
- 2.5 The work can also be challenging given the issues which may be presented and the conflicting accounts about what is happening.
- 2.6 The report in Appendix 1 shows the range of work associated with the management of anti-social behaviour under the heading: "Neighbourhood and Community Standard".
- 2.7 The impact of the pandemic may have skewed outcomes given that people have generally had to spend more time at home, which has the potential to increase tensions between neighbours in terms of noise and other nuisance. Further, there is some evidence to show that some people who experience poor mental health have been negatively impacted by loneliness and external circumstances. This has, in turn, resulted in an increase in issues requiring investigation by the Neighbourhood team.
- 2.8 Low level nuisance cases where risk is deemed to be low are usually managed by suggesting mediation. This option is seldom taken up by tenants or other residents and the impact upon the time of the Neighbourhood Officers involved in responding to nuisance complaints raised, and providing relevant advice and information, can be quite sizable.
- 2.9 Whilst the Courts are still available to hear the most egregious cases involving nuisance and anti-social behaviour, at the present time, in line with the regulations relating to the pandemic, the ability of social landlords to have cases heard is limited due to there being many cases dating from before the

first national lockdown waiting to be heard. This has impacted decision making with regard to the most serious cases during the last year.

- 2.10 Given the difficulties associated with the commencement of possession proceedings, the Council has sought other sanctions through the Courts during the pandemic and, as shown in the report below, this has involved seeking Closure Orders and Injunctions. However, there is generally a large amount of work involved in preparing such cases and there still seems to be a long wait before cases can be listed for hearing. The Council obtained an Interim Injunction on 1 September 2020 but this will not be heard before the Court until June 2021.
- 2.11 The HRA Income Team worked differently during 2020/21 in an effort to support those households who may have been experiencing financial difficulty to sustain their tenancies. The team has been making contact with those who owe rent to discuss their circumstances and to offer advice and information as appropriate. The Officers have been working closely with the Council's Customer Welfare Officer and other agencies, including the Department of Work and Pensions (DWP) to maximise incomes. The approach is one which is more collaborative and involves having open and honest conversations with those who may have multiple debts. The team has been signposting and referring tenants to other agencies which can help, as appropriate.
- 2.12 Our usual procedures relating to income collection were suspended when the Government announced a pause on possession proceedings and evictions at the start of the pandemic. The ban on evictions continues until the end of May and there is evidence to show that there is a backlog of cases involving rent arrears in the Courts at present. This means that we will have to continue working with tenants in a different way until such time as the Council can begin to attempt to enforce conditions of tenancy again by referring cases to the County Court for a judgement.
- 2.13 The Housing Options team is responsible for managing temporary accommodation which is used by those who have presented as homeless. The Council has a number of statutory obligations to such people and this includes accommodating them whilst their circumstances are being investigated and assessed; and then, if a duty is owed, until such time as they can be rehoused.
- 2.14 During the last quarter, there were no evictions out of temporary accommodation.
- 2.15 Every employee of the Council has a duty to safeguard vulnerable people and undergoes periodic training to maintain their knowledge and awareness of relevant issues. The relevant policy requires any issues to be escalated and reported.
- 2.16 Safeguarding referrals have remained at a relative high level during quarter 4 with 9 being made demonstrating that appropriate action is being taken. In total 33 referrals were made throughout the year.

3.0 Recommendation

3.1 Members are asked to note the report.

Contact for more Information: Mrs Claire Fry, Group Manager for Housing Services, telephone: 01884 255255 (and request a call-back), email: cfry@middevon.gov.uk

Circulation of the Report: Councillor Bob Deed, Leader of the Council; Councillor Bob Evans, Cabinet Member for Housing; other Members of the Cabinet & Leadership Team; Corporate Management Team & other relevant Managers

List of Background Papers:

The Regulatory framework for social housing:

<https://www.gov.uk/government/collections/regulatory-framework-requirements>

Appendix 1

Service Delivery – Enforcement Activities

Neighbourhood & Community Standard – Housing Revenue Account – Estates Team						
	Q1	Q2	Q3	Q4	YTD	Comments
Fraud cases opened	2	0	3	2	7	
Fraud cases referred to an external investigator	1	1	0	1	3	These cases are referred to an agency which can undertake interviews under caution and commence action in connection with the Prevention of Social Housing Fraud Act 2013
Acceptable Behaviour Agreements signed	0	2	6	0	8	
Good Neighbourhood Agreements signed	3	0	0	2	5	
Community Protection Notice warnings issued	1	1	2	1	5	Officers in the Housing Service work with colleagues in Public Health in connection with the issuing of these and the Community Protection Notices
Community Protection Notices issued	0	0	0	1	1	
Possession Actions commenced on grounds of ASB	3	0	0	1	4	The Courts are still hearing the most egregious cases in line with regulations relating to the pandemic
Closure Orders – obtained	4	0	0	0	4	This action was undertaken to protect those who had been “cuckooed”
Injunctions sought	0	1	0	0	1	
Evictions on grounds of anti-social behaviour/ other tenancy breach	0	0	0	0	0	

Income Recovery – Housing Revenue Account – Income Team						
	Q1	Q2	Q3	Q4	YTD	Comments
Notice of Seeking possession served	0	0	0	0	0	The Government paused possession action and evictions at the start of the pandemic and therefore there has been very little activity with regard to enforcement of tenancy conditions on the grounds of rent arrears. Instead, Officers have adopted a more collaborative approach to support those who may be experiencing financial issues.
Judgement obtained	0	0	0	0	0	
Warrants issued	1	0	1	1	3	
Evictions on grounds of rent arrears	1	0	0	0	1	

Management of Temporary Accommodation – General Fund – Housing Options team						
	Q1	Q2	Q3	Q4	YTD	Comments
Evictions from temporary accommodation	6	1	2	0	9	There were no evictions from temporary accommodation during the last quarter.

Appendix 2

Service Delivery – Safeguarding Activities

Neighbourhood & Community Standard – Housing Revenue Account						
	Q1	Q2	Q3	Q4	YTD	Comments
Domestic abuse cases opened	10	0	0	0	10	
Domestic abuse cases referred to Multi-agency Risk Assessment Conference (MARAC)	5	9	0	0	14	
Safeguarding referrals made (to all agencies)	4	9	11	9	33	